

REMARKS

This paper makes no amendment to the application. The only rejection offered by the Examiner against the instant claims is a provisional rejection of claims 1 and 5-13 under the judicially created doctrine of obviousness-type double patenting over claims 1, 7-18, 21, 23, 24 and 26-29 of co-pending U.S. Patent Application No. 09/773,605 (See Office Action dated January 13, 2005, page 2, line 7, to page 3, line 18).

On January 21, 2005, Dr. Wesley Ashton (Reg. No. 47,395) called Examiner Dr. Kevin P. Kerns (571-272-1178) to discuss the provisional obviousness-type double patenting rejection in view of the fact that the rejection is "provisional." An agreement was reached. Dr. Ashton and Dr. Kerns agreed that the provisional obviousness-type double patenting rejection was not ripe because no claim of co-pending U.S. Patent Application No. 09/773,605 has been allowed. Therefore, Dr. Kerns has agreed to withdraw the provisional obviousness-type double patenting rejection.

In addition, Applicants submit herewith a certified copy of International Application No. PCT/JP00/03659, thereby perfecting the priority claim under 35 U.S.C. § 119.

The present paper adds no new matter to the application.


Conclusion

For all of the above reasons, claims 1 and 5-13 of the present application are in condition for allowance and a prompt notice of allowance is earnestly solicited.

Questions are welcomed by the below-signed attorney for applicants.

Respectfully submitted,

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